

EVERGREEN ♦ EAST HILLS VISION STRATEGY

Task Force Meeting - 12

City of San José, New City Hall
San Jose, CA 95148

Wednesday, August 30, 2006
6:30p.m. – 8:30p.m.

MEETING SUMMARY

The meeting was called to order at 6:30 p.m.

Task Force Members Present:

Chair Dave Cortese, Vice-chair Nora Campos, Chris Corpus, Ike White, J. Manuel Herrera, Homing Yip, Sylvia Alvarez, Steve Dunn, Al Munoz, Patrick Spillane, Mark Milioto, Joe Head, Mike Hill, Lou Kvitek, Alan Covington, Bob Levy, Carlos DaSilva, Gordon Lund, Steven Cox, George Perez, James Zito, Kahn Nguyen, Dave Zanker, Jenny Chang, Maria Lopez,

Task Force Members Absent:

Carolyn Gonot, Melanie Richardson, Nancy Dellamattera, Vince Songcayawon

Members of the Public Present:

Alan Garofola, Bob Nunez, Carol Ashman, Jose Aranda, Bob Rivet, George Reilly, Jim Rendler, Ruben Dominguez, Dan Gould, Kulwant Sidhu, Kristin Hageseth, Clement Guyoi, Ed Abelite, Tony Seebach, Stan Perry

Developer Community Present:

Tom Armstrong, Vince Cantore

Staff Present:

Laurel Prevetti, Andrew Crabtree, John Baty, Kip Harkness, Manuel Pineda, Michael Mena

Welcome and Announcements

Chair Dave Cortese called the meeting to order at 6:30 p.m.

Land Use Scorecards

Laurel Prevetti, Deputy Director of the Planning Division, asked the Task Force to hand in any Land Use Concept Scorecards that had been completed to-date. Laurel stated that the Land Use Concepts identified through the scorecard exercise will help scope down the number of alternative land use plans the Task Force will need to consider as part of formulating their recommendations to the Planning Commission and City Council. Laurel encouraged for the

submittal of any remaining Land Use Concept Scorecards as soon as possible in order for them to be brought forward at the September Task Force meeting.

September Task Force Meeting Overview

Laurel Prevetti stated that the final recommendations on the land use concepts, by the Task Force, would translate to the pending General Plan Amendment recommendations for each individual opportunity site and be incorporated into the Updated Evergreen Development Policy. Laurel also informed the Task Force that staff will bring whatever recommendation or recommendations come out of the September meeting to the City Council and that it is up to the City Council to decide the policy issues regarding additional development in the Evergreen Development Policy area. Staff will report any concerns regarding outstanding items to the City Council.

Other Announcements

Commencing the Task Force meeting in September, staff will be taking the recommendation “package” to the Parks and Recreation Commission and the Housing Advisory Commission in October; to the Planning Commission on November 8th; and the City Council on December 5th. The recommendation “package” will consists of; the Draft Environmental Impact Report, the updated Evergreen Development Policy, the General Plan Land Use and Text Amendments, and a Financing Agreement between the City and the property owners/developers. The Planned Development Zoning applications and any formation of a Capital Funding District will not be heard until the 2007 calendar year.

Task Force Comments/Questions

Mr. Jim Zito, Task Force member, asked whether the Task Force would be discussing the possible use of a Capital Funding District (CFD) at a future meeting? *Laurel Prevetti* responding by stating that the formation of a CFD is a complicated issue and one that cannot be completely worked out within the scope of the current work plan; however, the use of a CFD is a possible mechanism that is open. It should be clear that a CFD will not be able to carry the burden of financing the improvements necessary, and would only be one tool used in financing the public improvements. The Task Force was still concerned that the cost of a CFD would trickle down to individual homeowners.

Dave Zanker asked what form staff would be presenting or interpreting the Task Force’s recommendation at future public meetings? *Mr. Zanker* asked whether staff would be presenting the “final” package to the Task Force prior to presenting it to any public commission or non-commission meetings? *Laurel Prevetti* stated that staff could post the “final” package on the EEHVS website for viewing prior to any future meetings.

Lou Kviteck also addressed his concern over the use of a CFD with the ability for schools to issue future CFDs or bonds. It looks as though the Task Force won’t be able to make a recommendation on the CFD issue? *Laurel Prevetti* stated that the Task Force could still make a recommendation on whether or not to discourage the use of CFDs as part of their package, but that the details of any CFD formation would not be ready until the 2007 calendar year.

Ike White stated that he was concerned that his comments regarding missing amenities from the Mount Pleasant community are still not on the previous list. *Mr. White* was concerned that the Mount Pleasant (golf course) site has not been discussed to the extent that the other opportunity sites have been discussed.

Homing Yip felt that the direction the project is headed in may not be the best for the Evergreen community. It looks as though the City is dumping the responsibility of providing amenities on the EEHVS process. Additionally, *Mr. Yip* stated that he feels a lot of the assumptions in the EEHVS Draft Environmental Impact Report are wrong, including information that Santa Clara County says traffic will worsen and correspondence from Caltrans indicates that Highway 101 improvements won't help address traffic congestion in the Evergreen area. Therefore, why spend approximately \$100 million on Highway 101 if it won't actually improvement the traffic situation?

The Task Force Chair, *Dave Cortese*, appreciated staff's clarity on the CFD issue. The Chair also requested that the updated Evergreen Development Policy be formatted in a manner as to memorialize the EEHVS process, similar to the document produced as part of the Eastridge Charette.

The Chair additionally, asked what the process will be at the September meeting and whether staff felt the process would be able to produce a recommendation from the Task Force? *Laurel Prevetti* stated that staff is still in the process of working out the details and mechanics for the September meeting and that staff would coordinate closely with the facilitator and the Chairs.

Jim Zito stated that after 3-years of working on the EEHVS project he still feels like the process is being rushed to finish before the end of the calendar year. *Mr. Zito* recommended extending the process to flush out more of the outstanding issues. *Mr. Zito* suggested allowing the "new" Council to vote on the project, as they will be the ones who have to live with it and implement the decision regarding the future of Evergreen. *Laurel Prevetti* responded by stating that the City Council was expecting the EEHVS to be finished in June of 2006, so staff is already behind in delivering the package to the Council. Laurel also noted that the City Council is scheduled to consider the EEHVS Status Report on September 19, 2006, where the revised schedule to finish the EEHVS process will be discussed. This is a long-range project and most likely will be stretch over several City Council terms, and therefore, the plan needs to be strong enough to ensure the original vision is maintained.

The Chair noted that *Mr. Zito's* comments were valid, however, to push the schedule out would not be in line with the City Council expectations. It may be more appropriate for *Mr. Zito's* concerns regarding schedule to be brought up at the up coming EEHVS Status Report session before the City Council on September 19, 2006.

Amenity Prioritization

Laurel Prevetti proceeded to update the Task Force on the amenity prioritization exercise submitted by both the Task Force and the public. Staff also noted that amenity list scorecards were uploaded on the EEHVS website ease of access and response. Staff planned to report out on the results of the amenity prioritization exercise, however, an insufficient number of scorecards had been submitted. Therefore, staff is not prepared to issue the results of the exercise until the September meeting.

Task Force Comments/Questions

Mark Milioto stated that he feels the process is a bit disjointed at the moment and would like to push the amenity discussion back to the September meeting. *Laurel Prevetti* indicated that staff does not anticipate total consensus for a recommendation on the project and staff will make sure the differences in viewpoints are recorded for the decision-makers to consider.

The Co-Chair, *Nora Campos*, stated that the Chairs will work with staff to consider whether an additional meeting is warranted in order to the Task Force to feel comfortable with moving towards a recommendation. The Co-Chair also encouraged the Task Force members to submit their amenity priorities and land use preferences to staff as soon as possible.

Bob Levy wanted the rest of the Task Force to remember that the amenity package and the number of units permitted go hand-in-hand.

Gordon Lund stated that he was frustrated with trying to pick one amenity over another, particularly when considering the proposed upgrades to existing parks. Mr. Lund felt that it is unfair to have to pick one park improvement over another and that he felt like he would be pinning neighborhoods against each other.

Lou Kviteck asked how staff would take the input from the Task Force and present it to the Planning Commission and City Council? *Laurel Prevetti* stated the Task Force recommendations would only depict what the Task Force explicitly concludes at the September meeting. Staff would most likely have their own recommendation separate from the Task Force.

Evergreen Development Policy

Andrew Crabtree presented this item and indicated that the Task Force last saw the proposed update to the Evergreen Development Policy (EDP) approximately one year ago. The second draft of the updated Evergreen Development Policy incorporated comments, questions and concerns from the last draft. Andrew went on to highlight some of the major differences between the two drafts and then opened the item up for discussion by the Task Force.

Task Force Comments/Questions

Mr. Zito asked whether the \$250 million contribution by the property owners/developers was in addition to the Traffic Impact Fee that would be assessed to the “pool” units? *Andrew* stated that the transportation impact fee would be on top of the monies donated by the developers for development of the opportunity sites.

Bob Levy mentioned that he did not see any development occurring in Phase 1 according to the phasing schedule and wanted clarification. *Andrew* acknowledged that no development of any kind could occur in phase 1, as the policy is currently drafted.

The Chair asked staff to expand on what can happen at the end of phase 2, as currently drafted. The Chair also asked whether there were any geographical impacts associated with specific development that can be tied to specific improvements (i.e., phasing)? *Andrew Crabtree* stated that the transportation improvements would be constructed concurrently with development of each opportunity site. However, there is some concern to not require all the “base” roadway improvements and “mitigation” requirements be complete at a specific stage. The concerns stems from insurance that the mitigation required as part of the Draft EIR is fully implemented, assuming the possibility of only 50% of the units are developed.

Manuel Pineda, with the City’s Department of Transportation, stated that the major improvements identified in the Draft EIR are intended to serve development of multiple sites and no one improvement or environmental mitigation measure is tied to any specific development proposal.

Dave Zanker (Task Force member) wanted to ensure that staff is looking at reducing the traffic impacts compared to how development will be phased in. What is the timeline for construction of Highway 101 compared to the phasing plan for residential development?

Sylvia Alvarez felt that there needed to be some sort of trigger, or major infrastructure in place prior to issuance of any development entitlements.

Joe Head, Task Force member and developer, stated that before any permits can be pulled for development, the funding for improvements would need to be secured and fiscally guaranteed. Additionally, *Mr. Head* clarified that all building permits will not be pulled at once and that development will most like be spread out geographically among the opportunity sites.

Alan Covington asked staff to clarify what the “pool” units are. *Andrew Crabtree* stated that the “pool” units are those units that could be allocated to properties other than the four opportunity sites, in addition to square footage “pool” for commercial and industrial/office developments. There would be no phasing requirements for the “pool” units/developments.

Lou Kviteck was concerned whether the resources to actually construct the Highway 101 improvements would be there to actually do the work. *Joe Head* clarified by stating that the monies would be secured for the City by the developers, however, the timing and management of the required improvements would be up to the public agency in charge.

Mark Milioto stated that all design work should be completed in phase 1 and construction of the priority amenities should begin in phase 2. *Mr. Yip* agreed that there needs to be some insurance that amenities are constructed on time and suggested the City hire a consultant to manage the process.

Carlos De Sylva asked whether staff ever conducted a weekend traffic study and what the conclusions were, if such a study was done? *Manuel Pineda* stated that an analysis had been completed and the results indicated that traffic on the weekends was equal to or better than those during the work week.

Mike Hill, Task Force member and representative for the Evergreen Valley College, submitted a letter to staff and the Task Force addressing concerns over revise language in the Draft EDP. Specifically of concerns, is language in the draft document that would preclude the development of a grocery store on the Evergreen Valley College site. Mr. Hill stated that limiting the type of commercial uses would jeopardize the viability of the site and the ability to include affordable housing units as part of a future project. Mr. Hill's letter is available on the EEHVS website: <http://www.sanjoseca.gov/planning/evergreen/pdf/EvergreenDevelopmentPolicyStatement.pdf>

Kahn Nguyen and *Chris Corpus* were both concerned with the timing of the Nieman light rail station and VTA comments that the light rail extension may not occur. *Manuel Pineda* stated that the VTA have expressed the desire for the number of units on the Arcadia site to be at or above 3,000 units to justify the extension. The Draft EIR for the EEHVS project did not assume light rail ridership and therefore the question of the extension would not jeopardize the transportation analysis done for this project. Manuel also stated that the analysis in the Draft EIR was from Caltrans, who had approved the traffic analysis for Highway 101.

David Zanker asked whether the City had been approached by the former winery regarding development potential? The Chair, *Dave Cortese*, stated that they have approached his office and that Trumark Development Co. was part of that interest. *Laurel Prevetti* added that the Planning Division processed two preliminary review applications where staff discouraged any review of development on the property until the completion of the EEHVS process, per a City Council memorandum issued in 2003. Additionally, a representative of the winery recently filed for a General Plan Amendment to change the land use designation of the property. Again, staff informed the applicant that staff Would not review any development proposals until the completion of the EEHVS and requested they withdraw the application.

Joe Head asked where the contributions from the "pool" units would go and what they would pay for? *Andrew Crabtree* stated that the "pool" units would be subject to a Traffic Impact Fee

(TIF) and that money would go towards implementing traffic mitigation measures. Additionally, those units would be subject to the City's Parkland Dedication Ordinance (PDO).

Alan Covington asked why the Task Force or City was considering only 1,875 units on the Arcadia property when the VTA is saying they won't extend the light rail line unless a minimum of 3,000 units are developed? *Dave Cortese* responded by stating that the Capitol light rail line is in the VTA plan and that all the design and engineering work for the extension of light rail to a Nieman station is complete and only needs funding for the extension. The VTA will have to make the decision on the extension in the future.

Bob Levy and *Jim Zito* had comments related to the potential "pool" units. One concern was whether the pool units could be distributed equitably or whether larger properties like the winery could "eat" them up? The second concern was whether the "pool" units would contribute to the amenity list or not? *Andrew Crabtree* responded by stating that the development policy could be modified to put a cap or limit on any individual property taking all the "pool" units and indicated that the units would not be contributing to the amenity list but would be subject to the City's PDO requirements.

Public Comments

Attendees of the Task Force meeting, Bob Rivet, Lee Goldstein, Jose Aranda, and Delores Gatherwright, spoke during the public comment period of the agenda.

Bob Rivet comments acknowledged the Task Force for their hard work and felt the process needed to conclude at some point. Mr. Rivet also stated that he is in favor of having less overall units allowed under any development scenario.

Mr. Goldstein was concerned over the number of students in the local high school and the traffic impacts that would result from approval of the EEHVS project. Mr. Goldstein wanted staff to look at phasing development with the required transportation improvements

Delores Gatherwright stated that she was having a tough time trying to balance the pros of development over the potential impacts that could result. *Delores* wanted the Task Force to consider improvements for the Meadowfair neighborhood and the development of a community center which would benefit the area.

Jose Aranda, representing the Meadowfair Strong Neighborhood Group, was concerned with phasing of the project. Mr. Aranda stated that he supports the developer's proposal for 1,875 residential units against the potential of having 3,000 units constructed on the site. Mr. Aranda also stated that he wanted the community center on the Arcadia site to be developed early, should the property not be developed for 10 plus years.

Mr. Aranda's comments concluded the public comment portion of the agenda.

The Chair, Dave Cortese, adjourned the meeting at 8:30 p.m.